

Tennessee Trial Court Vacancy Commission

Application for Nomination to Judicial Office

04/15/16

Name: Dean Thomas DeCandia

Office Address: 167 North Main St., 8th fl.
(including county) Memphis, TN 38103
Shelby County

Office Phone: (901) 544-2431 (main) (901) 969-2944 (direct)

Facsimile: (901) 544-4230

INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Assistant United States Attorney at United States Attorney's Office, Western District of Tennessee

2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

2001, #021447

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

TN, BPR #021447.

The date of licensure was November 16, 2001. My license is currently active.

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

No.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

March 2016 to present: *Assistant United States Attorney, Western District of Tennessee.*

May 2015 to March 2016: *Special Assistant United States Attorney, Western District of Tennessee*

April 2014 to May 2015: *Assistant District Attorney: White Collar Crime Unit, Multi-Agency*

Gang Prosecution Unit

April 2012 to April 2014: *Special Assistant United States Attorney, Western District of Tennessee*

January 2012 to March 2012: *Assistant District Attorney: Division Leader, Criminal Court Division IV, Hon. Carolyn Wade Blackett*

January 2011 to December 2011: *Assistant District Attorney: Division Leader, Criminal Court Division VII, Hon. Lee V. Coffee*

September 2010 to December 2010: *Assistant District Attorney: Special Victims Unit*

October 2008 to September 2010: *Assistant District Attorney: Major Violators Unit, assigned to Division VIII, Hon. Chris Craft*

November 2004 to October 2008: *Assistant District Attorney: Gang and Narcotics Prosecution Unit*

August 2003 to November 2004: *Assistant District Attorney: Criminal Court, Division VI Hon W. Fred Axley*

March 2002 to August 2003: *Assistant District Attorney: General Sessions Criminal Court*

May 2001 to January 2002: *Associate Attorney with Snider, Horner & New, PLLC (practicing under supervision for the first five months)*

Work outside the practice of law:

August 2009 to June 2010: *Server at Chez Philippe Restaurant at the Peabody Hotel, Memphis*

November 2002 to September 2006: *Server at Ruth's Chris Steak House, Memphis*

Both of the above are part-time jobs I undertook in addition my full-time job as an Assistant D.A. I usually worked Friday and Saturday nights, from 4 p.m. to midnight, and an occasional weekday when needed. The jobs are food service waiter positions at fine dining establishments. They are fast-paced jobs that involve tremendous ***concentration, patience, and quick prioritization***. Amid the continuous stress of a given night, the server must stay polished and poised in front of the guests. Those who do not possess these qualities will fail, as the clientele are quite demanding. All of these qualities are essential for a server, although they often go unnoticed by a guest who has not had experience in the field.

I submit to the Commission that ***these qualities translate well to the bench***. Serving as a trial court judge is similar to customer service, as the respected judge stays ***mindful of his/her role*** as a servant. S/he ***does not react impulsively*** to the daily frustrations. Rather, s/he maintains ***focus and efficiency*** with calmness and confidence.

Through this additional part-time work, I have also adapted to seven-day work weeks. I am prepared for the long weeks that come with lengthy dockets. I worked diligently as a prosecutor for several years with full weekends, in addition to a heavy trial schedule. The weekends almost always involved Sundays at the office after spending Friday and Saturday at the restaurant. I take pleasure in assuming many duties. If appointed, I will always attend to my role as a public servant and put that role before my own convenience.

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

One hundred percent of my present practice is prosecuting federal crimes in United States District Court and the Sixth Circuit Court of Appeals.

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

March 2016 to present: Assistant United States Attorney

As an Assistant U.S. Attorney, my caseload consists mainly of prosecuting white-collar crimes such as bank fraud, mail fraud, wire fraud, social security fraud, identity theft and counterfeiting. My caseload also includes healthcare fraud and general crimes such as interstate theft and trafficking in counterfeit goods.

In the investigative stage, I review all relevant materials from the investigative agency. I then meet with the law enforcement officers critical in the investigation of the case. From the file and the interview, I evaluate the case for legal and factual strength, anticipating any procedural or substantive issues that may arise. I submit a recommendation on whether or not to submit the case to a Grand Jury for indictment. My recommendation is in the form of a lengthy memorandum, in which I give a detailed account of the facts and a *complete legal analysis* of pre-trial and trial issues. If my recommendation to prosecute is approved, the case continues to the Grand Jury stage. On the other hand, I may recommend declining prosecution because proof is too weak to sustain our burden of proof, or we are not likely to overcome a procedural hurdle (e.g., a motion to suppress evidence).

Grand Jury practice involves meeting with witnesses, whether laypeople or officers, and preparing them to testify before a Grand Jury. I question each witness in front of a body of citizens whose role it is to approve, or disapprove, of the legal sufficiency of the case. The Grand Jury process is interactive, as the Grand Jurors will often have questions for me or the witness. The Grand Jury's approval results in an indictment, or formal criminal accusation, against the defendant.

After an indictment is issued, I handle the case in court proceedings. First, the case is assigned to a federal magistrate for hearings pertaining to *pre-trial release*. I will take a position as to whether the defendant should be detained or released pending trial. My position will depend on *a review of factors* such as the defendant's criminal history, social history, work history, and the facts of the case. From such information, I recommend to the magistrate whether the defendant can be trusted on bail, or else must be detained to ensure safety of the community or avoid a risk that the defendant will flee the jurisdiction.

In magistrate court, I also handle *pre-trial litigation* such as motions to suppress. Such motions may be filed by the defense, alleging that some constitutional right of the defendant was violated. For example, the defendant may allege that police conducted an illegal search or obtained a confession against his will. Upon receiving a written motion from the defense, I must respond with a written *brief, or memorandum of law*. The brief must be *thorough in its analysis*, covering every issue the defense raises, and meeting each argument with support from statutory law and caselaw. These hearings are like mini-trials, for which I prepare by interviewing witnesses in detail. I then question these witnesses in front of the magistrate, make and respond to objections, and cross-examine any witnesses the defense may present. Finally, I will argue why the facts and law support the government's position.

If the case proceeds to trial in the district court, trial procedure is similar to state court, which is discussed below. I also *follow my cases to appeal*. The appellate process usually involves writing an extensive brief and oral advocacy before the appellate court, if oral argument is required. I also write briefs in matters of post-conviction under 28 U.S.C. § 2255, in which a convicted defendant may raise constitutional issues such as ineffective assistance of counsel or a retroactive application of sentencing laws.

Criminal federal practice includes many other types of hearings such as sentencing, violations of pre-trial supervision, and violations of probation. These hearings vary in their complexity, ranging from brief oral argument to hours of testimony and lengthy legal briefs. Violations of supervision also often involve *treating offenders' drug addictions*. My experience in handling these matters will prepare me for the similar, frequent issues that arise in state probation violations.

One of the greatest benefits of federal practice has been the *focus on research and writing*. The daily writing has quickly conditioned me to organize my arguments more than ever before. This has been *exceptional preparation for drafting judicial rulings*, any of which may be reviewed later on appeal.

April 2012 to April 2014 and May 2015 to March 2016: Special Assistant United States Attorney, Western District of Tennessee: I served twice as a Special Assistant United States Attorney ("SAUSA"). Each assignment was for a two-year stint. In this position, I remained employed by the State of Tennessee, under the District Attorney, but I performed the full-time duties of an Assistant U.S. Attorney. The assignment was with the Project Safe Neighborhoods Unit, a federally funded program that focuses on gun crime. I was part of a five-person unit that prosecutes violations of federal firearms laws. The PSN unit handles *more cases and trials than*

any other criminal or civil unit at the U.S. Attorney's Office.

My second two-year term as a SAUSA ended prematurely because the U.S. Attorney hired me (permanently) as an AUSA.

April 2014 to May 2015: Assistant District Attorney: White Collar Crime Unit and Multi-Agency Gang Prosecution Unit: I returned to my office at the District Attorney's Office in between my two terms as a Special Assistant U.S. Attorney. I spent most of my first six months on *State of Tennessee v. Jemar Lambert*, a case involving improper burials at a local cemetery. I was asked to dedicate months of full-time efforts to this case because of its complexity and state-wide attention. During this year, I also assisted the Gang Prosecution Unit with its enormous homicide caseload. At that time, the Gang Unit was handling over seventy-five homicide cases, and I was asked to take over several of these at various stages of the proceedings. My years of homicide experience suited me for this need because I was able to prepare the cases quickly, without training or guidance.

January 2012 to March 2012: Assistant District Attorney: Division Leader, Criminal Court Division IV, Hon. Carolyn Wade Blackett
and

January 2011 to December 2011: Assistant District Attorney: Division Leader, Criminal Court Division VII, Hon. Lee V. Coffee

The above two assignments as a division leader are similar in their duties, although in different courtrooms. At the beginning of 2011, I was promoted to division leader, or *chief prosecutor* in a division of court. This promotion came after having been a Criminal Court assistant for just over seven years, a *speedy promotion* when compared to past division leaders. I was told that my trial *experience, temperament and overall competence* led to this promotion.

As a division leader, I made sure to review all cases on the day prior to their court settings. I re-familiarized myself with each case before it was scheduled, whether or not I had assigned it to myself or to an assistant prosecutor. I wanted my colleagues to notice that I was *always prepared*, whether or not a case was in a trial posture.

Negotiating cases was a daily task as a division leader, even on the most serious of cases. However, not every lawyer negotiated in the same manner. Most lawyers negotiated in a highball/lowball fashion. In this strategy, each side begins with an unreasonable offer. Then each side will continue to compromise its original stance until one side reaches its breaking point. As a prosecutor, I avoided this tactic. When either party habitually extends offers it has no intention of maintaining, the other side will notice the pattern and never take the proponent seriously. The adversary will simply wait for a better offer. The case is unnecessarily delayed, and the proponent's integrity is compromised.

In contrast, my philosophy in negotiation involved a *constant weighing of several factors*. First and foremost, I considered the strength of the State's case, including the likelihood that certain evidence would be admitted, and the plausibility of likely defenses. I also considered the defendant's criminal history, aggravating or mitigating nature of the defendant's conduct, the defendant's social history and work history, whether previous rehabilitative efforts had been

successful, judicial economy, and even mercy. I was wisely critical of the State's cases, putting myself in the position of a juror and taking the burden of proof seriously. Most of this analysis could be accomplished by my own review of the police file and a proactive approach in interviewing witnesses. In addition, I would *consider any proof that the defense presented* in support of its position.

As a result, I made consistently fair offers of settlement that were well-informed and well-reasoned. I advanced the bottom line at the outset, and if questioned, I would explain reasons for the offer. Consequently, I received regular compliments from the bench and bar for my *integrity and efficiency*.

September 2010 to December 2010: Assistant District Attorney, Special Victims Unit

In this unit, I prosecuted cases involving physical and sexual abuse to minors and forcible rapes against adult victims. (The only reason my time in this unit was five months was because of my promotion to Division Leader.)

The types of cases in the Special Victims Unit were among the most emotionally charged. The feelings surrounding these cases created compromising situations for me as an advocate. I continually kept in mind the importance of remaining *objective* and not allowing the nature of the allegations to cloud my judgment.

One place where this difficulty arose was in the Sex Crimes Bureau of the Memphis Police Department. There, I served as an advisor in deciding whether or not a suspect would be charged. I responded weekly to calls from the bureau, in which a Sex Crimes detective would explain to me the nature of a victim's allegations and any other possible evidence obtained. Although it was standard practice among prosecutors to make a charging decision based upon the detective's summary, I never relied on the summary alone. I routinely reviewed all statements and reports in a case file. Only then would I feel comfortable in making a *well-informed decision* of whether or not to charge the suspect.

There were times when I did not charge a suspect because of insufficient evidence. It was obviously unpleasant to tell a detective I was not charging, especially when the detective was emotionally invested in a case. On those occasions, it would have been easier to charge the suspect, so as to please the bureau. However, I was ever mindful of seeking fairness over popularity.

For the cases I pursued in the Special Victims Unit, the jury trials were quite challenging. They were also significant *learning experiences in preparation for judgeship*, as they presented unique evidentiary issues. I had a trial involving a Rape of a Child and a trial involving First Degree Murder of an infant. Through diligent preparation and litigation, I became *versed in the evidentiary issues* that each type of case presents. The rape case involved multiple offenses over a period of several months. The murder case involved detailed expert testimony from two physicians as to the seriousness and timing of the fatal injuries. As to both cases, my pre-trial preparation was exhaustive and beyond the call of duty. For example, on the rape case, I found and interviewed critical witnesses who were previously unknown. My extra work paid off in

convictions on both of those cases. Just as importantly, I gained knowledge of an area that many lawyers avoid because of its unpleasant subject matter.

October 2008 to September 2010: Assistant District Attorney, Major Violators Unit, assigned to Division VIII, Hon. Chris Craft

In this unit, I prosecuted high felonies committed by defendants with extensive criminal histories. This assignment posed a challenge similar to those in the Special Victims Unit. Major Violator cases were emotionally charged because of the defendants' criminal records and the resulting pressure to secure lengthy sentences. However, evidentiary rules would usually preclude a jury from knowing anything about the defendant's record. It was thus necessary to evaluate most cases based on the strength of the proof, without considering the defendant's record.

So in this unit as well, I *tempered a passion for pursuing the guilty with an acknowledgment of legal and ethical limitations*. In order to properly evaluate the likelihood of conviction, I had to assess the proof as the jury would hear it. I *avoided the temptation to react impulsively* to a defendant's record and engage in overzealous prosecution. Rather, I evaluated facts objectively, distinguishing those that stood a reasonable chance of conviction from those that did not. Pursuing the latter would put our office's *integrity*, and the system's integrity, at risk.

Resolving cases prior to trial was a regular practice in the Major Violators Unit. I prosecuted the Major Violator cases "vertically," or from the defendant's first appearance in General Sessions, all the way through to sentencing. As was my approach in all assignments, I made sure to resolve the cases that required resolution as *expeditiously* as possible. There were several cases I was able to resolve without the need for an indictment or even preliminary hearing. Rather than considering *judicial economy* to be the province of a judge alone, I fulfilled my own responsibility to reduce excessive backlog.

November 2004 to October 2008: Assistant District Attorney, Gang and Narcotics Prosecution Unit:

As an assistant in the "Gang Unit," as it is commonly named, I was tasked with prosecuting some of the most violent criminals in Shelby County. Most of the crimes I handled were murders and armed robberies, usually committed in groups. I also handled some large-scale drug trafficking cases, as well as drug cases generated by undercover police operations.

Having been assigned in Criminal Court just over a year, my acceptance into the Unit was relatively quick. I was told that my *proven trial ability and overall work ethic* earned me a spot in this flagship unit.

One of the challenges for me arose from a desire to handle more work than I was assigned. So in my first months in the unit, I developed my own system for accepting new cases. I screened dockets in General Sessions on a daily basis, looking for armed robberies, homicides and other violent crimes, where a defendant had accomplices, and where one or more of those defendants were identifiable gang members. I was eager to accept all cases that fit such criteria, and I took

pride in researching which cases fit. My research included communicating with gang intelligence officers and reviewing past police reports to determine which offenders were gang-affiliated.

In addition to these *self-started projects*, I took on several “multi-clears” in the MPD Robbery bureau. In a multi-clear, police investigate similar robberies or burglaries in a geographical area. The investigation usually pivots on the capture of a single suspect, who may confess to several robberies or burglaries, and name *other* accomplices. From this lead, the police apprehend *those* additional accomplices. Then, from these subsequent arrests, police solve *more* robberies or burglaries. The resulting group of charges is called a “multi-clear,” or a clearing of multiple cases.

As a result of my initiative, my caseload grew tremendously. With each multi-defendant case that I accepted, one or more of those defendants often had other cases pending. And in those additional cases, one or more of those cases may have also had co-defendants, and so on. Thus, a single case often branched out into multiple cases and defendants.

Often, the tangential cases did not fit Gang Unit criteria. Because the additional cases did not fall under the purview of the Gang Unit, I could have left those additional cases for other prosecutors to handle. However, I always *assumed responsibility* for all tangential cases, no matter how much work resulted. Not only was I *eager to gain as much experience as possible*, I also believed it to be more *efficient* when all related cases are handled by a single prosecutor.

Nor did I ever reject cases because of their relative weakness. Rather than “cherry pick” cases for a greater chance of conviction, I assumed all cases that fit Gang Unit criteria. The result was years of difficult negotiation with, and litigation against, all of the frequent practitioners of criminal defense in Shelby County. My *reputation as both a worthy opponent and a reasonable negotiator* took significant shape during my tenure in the Gang Unit.

In addition to the sheer volume I undertook, the Gang Unit also brought an *ethical challenge* similar to that posed in the Special Victims Unit. Violent gang cases are of the type that enrage the community. Many receive considerable media attention, especially just after the crime is committed. However, as any wise prosecutor learns, the brutality of senseless crimes, and the public reaction they evoke, do not lower the burden of proof for the government. I kept in mind my *responsibility to temper zeal with caution*.

August 2003 to November 2004: Assistant District Attorney, Criminal Court, Division VI, Hon. W. Fred Axley:

My first assignment in Criminal Court was to Division VI. It was here that I first became versed in procedures specific to the higher level of court, namely the discovery process and trial by jury. I was fortunate in this first assignment to have a division leader who trusted my judgment. With *self-sufficiency*, I worked diligently to scrutinize the facts of every case and research the applicable law on every conceivable issue. I was grateful for the ample time that government work provided, which allowed me to exhaust available resources without the pressure of billable hours.

In this first assignment, I handled many matters raised by *pro se defendants*. It is common for inmates serving time to file post-convictions motions and petitions, in an attempt to vacate their sentences. While some judges will address these filings themselves, I was fortunate to be assigned to a Judge who passed these on to the prosecutors to handle. I eagerly accepted these motions *for the experience* they would give me, whether as a future judge or career criminal lawyer.

The challenge in addressing these motions was deciphering the inmate's arguments, among countless pages of misplaced legal references. While many of these inmates were well-intentioned, they were often misled into filing these petitions based on misconceptions of the law. In some cases, the inmates were barred from relief because the statute of limitations had passed. In other cases, the petitioner may have relief available to him, yet he cited the incorrect remedy. In all such cases, I learned *how to address these matters without denigrating* the inmates. Although most petitions were meritless, I gained practice in *explaining the applicable law* in a thorough yet simple manner. It was in this early stage of criminal court that I sharpened my skill in explaining the law to those unfamiliar with it. I considered this skill necessary to gaining trust in the system, even by those serving substantial time.

In addition to my regular duties in Division VI, I seized opportunities to try cases in other divisions. I thus became *versed in jury trial practice in many courtrooms*. While my experience up to that point had already involved trying cases, the trials had been in front of General Sessions Judges rather than juries. But in my new assignment in Criminal Court, I learned quickly how different of a skill is required to speak to jurors. *I took lessons from judges and competent trial lawyers in addressing juries*. I noticed that they never assumed that laypeople knew basic aspects of the system. I also noted how mindful judges were of the inconvenience that jury service entails. With a future judgeship in mind, I continued to study colleagues who were exemplary for their demeanor and style.

March 2002 to August 2003: Assistant District Attorney, General Sessions Criminal Court:

Barely out of law school, and as a novice prosecutor, I was assigned to General Sessions Criminal Court. Prosecutors at this level are primarily responsible for litigating misdemeanor crimes. There, I learned basic elements of criminal practice such as issues of bail, guilty pleas, violations of probation and applying rules of evidence. I *sought opportunities* to try cases against the most experienced defense lawyers, knowing that the *challenges would improve* my trial skills. It was also in General Sessions that I litigated preliminary hearings in felony cases. These hearings required me to present proof of probable cause on a variety of felonies. Through subpoenaing these cases, speaking to the witnesses and presenting the testimony, I learned how to build a case on virtually any type of crime in Tennessee.

Whether through misdemeanor trials or felony preliminary hearings, I gained valuable *experience in speaking to ordinary citizens about the system*. Victims and witnesses came to court clueless about their role and frustrated to have become involved. In addition to discussing the facts with them, I always *explained the multiple stages of the process*. I emphasized what would be asked of them at later stages, possible reasons for delay, and the range of likely outcomes. It was only through such a roadmap that I could allay their concerns and make them

feel that they were *treated with consideration*. The result was almost always that the witnesses became *more willing to participate*.

May 2001 to January 2002: Associate Attorney with Snider, Horner & New, PLLC:

I started this first job immediately after graduating law school, and I worked there *full-time while studying for the bar exam*. I was responsible for drafting motions and responses of all types in General Sessions, Circuit and Chancery Court. I also wrote a lengthy appellate brief for the Tennessee Court of Appeals.

This job was an invaluable *introduction to professional responsibility* in action. In law school, issues in professional responsibility had been addressed only with intellectual exercises. But by accompanying the law partners to depositions and court appearances, I observed firsthand the varying adversarial approaches. On one hand, there were those who spoke candidly at all times to the court and to opposing counsel. On the other hand, there were those who did everything they could to mislead without lying. From the positive and negative influences, I first learned to find a moral compass and understand that *reputation* was the most important quality I could develop. I learned that no victory was worth compromising one's reputation. This lesson would serve me well in the criminal field I was about to enter, where I would be entrusted with safeguarding our most valued liberties.

8. Describe any matters of special note involving your practice in trial courts, appellate courts, and administrative bodies.

A few murder trials of mine received *substantial publicity*. The first of these was in my first year in Criminal Court, the trial of *State v. Mario Jefferson*. The defendant was 18 years old, with no juvenile criminal history, and was charged with murdering his abusive stepfather. The trial received publicity in part because of the uniqueness of the murder weapon, a samurai sword. The daily coverage in the local newspaper included daily sound bites from statements in court.

For the first time, I saw my words in print. I had no idea that the case would receive as much attention as it did. However, I soon realized that the media will give considerable attention to cases that practitioners find to be commonplace. Therefore, statements by lawyers and judges are subject to *public scrutiny* at any time. This realization reinforced to me the need for *responsible advocacy* at all times. It is through these statements that the public will form a lasting impression.

Another surprise that came to me through publicity was the scarcity of facts in news coverage. In one article, an entire day's worth of testimony was reduced to a mere fraction of its content. This lack of detail was through no fault of the reporter, but only because of editorial limitations. After the trial of Mario Jefferson, I made it a habit to scan the local paper for stories about my colleagues' trials. The stories usually contained daily accounts of the "who," "what," "when" and "where," but little of the "why" and "how." This lack of explanation impressed upon me the

need for more public education about the criminal justice system.

This need motivated me to speak on national television about subsequent murder trials of mine. One was the case of *State v. Monique Johnson*, in which a woman shot her boyfriend to death out of jealousy. In addition to extensive local coverage, the case was featured in an episode of *Snapped*, a national cable show profiling domestic homicides by women. The show was filmed approximately six months after the trial. The lapse in time made for a challenging interview. I had to prepare extensively, re-familiarizing myself with banker's boxes of documents and photographs. I answered broad, open-ended questions about the entire investigation, arrest, trial and sentencing phases. Answering these questions on camera, without the benefit of pauses or corrections, was even more difficult than arguing before a jury. However, the efforts were fruitful because the final cut was just the ***kind of education I had hoped to bring to the public***. I was given significant face time in the one-hour episode, and I was pleased to represent the criminal justice system in Shelby County.

I was given this opportunity again in 2011, when one of my murder cases was covered by *After the First 48*. This national cable show covers the court proceedings of a homicide long after the initial investigation. The featured case was *State v. Jeremy Young, et al*, a capital case. In this case, the defendants robbed the owners of a tattoo shop, killing one of the owners. The four defendants pled guilty without a trial, and the principal actor agreed to a sentence of life without parole. The show allowed me to discuss reasons behind the settlements. Because such negotiation is behind-the-scenes, I was pleased to ***educate a national audience*** on an aspect of the system it would otherwise never see.

9. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission.

Beginning last year, I and another lawyer in the Memphis Bar Association have worked with local churches to organize a series of expungement clinics. At these clinics, volunteer attorneys and paralegals assist citizens with processing non-conviction expungements from their criminal records. For many Memphians, these dismissals and nolle prosequis (cases that the D.A. decided not to prosecute) are blemishes on their records when seeking employment. Through these clinics, I and dozens of other volunteer attorneys have helped over 1,000 citizens remove these cases from their records and put their best feet forward in the job market.

I have become versed in Tennessee's campaign finance laws through volunteering for judicial campaigns. I have served as treasurer for three criminal court judicial campaigns (In 2006 for Hon. Jim Lammey, and in 2010 and 2014 for Hon. Bobby Carter). On November 19, 2015, I lectured at a CLE seminar for the Association of Women Attorneys on "Campaign Finance 101."

In 2000-01, I served as Law Clerk to the late Hon. D'Army Bailey in Shelby County Circuit

Court.

10. List and describe all prior occasions on which you have submitted an application for any state or federal judicial position.

I have applied for the two most recent vacancies in Shelby County Criminal Court. Both times, the Judicial Nominating Commission submitted my name to Gov. Haslam as a nominee.

In July of 2012, I submitted an application for judgeship to the Judicial Nominating Commission. This position was for Judge of Criminal Court, Division VI, which had been vacated by Hon. John T. Fowlkes, Jr. The Commission met August 24, 2012 to consider my application and interview the applicants. The Commission submitted my name to Gov. Haslam as a nominee.

In March of 2013, I submitted an application for judgeship to the Judicial Nominating Commission. This position was for Judge of Criminal Court, Division II, which had been vacated by the death of Hon. W. Otis Higgs. The Commission met March 27, 2013 to consider my application and interview the applicants. The Commission submitted my name to Gov. Haslam as a nominee.

EDUCATION

11. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

Cecil C. Humphreys School of Law at The University of Memphis 1998-2001

- J.D. 2001
- *Tennessee Journal of Practice and Procedure*: Contributor
 - Dean T. DeCandia, *The Scope of Tennessee Rule of Appellate Procedure 3(e): Reviewability and the Need for a New-Trial Motion*, 3 Tenn. J. Prac. & Proc. 7 (2000).

University of Memphis 1993-97

- B.A., English 1997.
- *Summa Cum Laude*
- *Phi Kappa Phi* (academic honor society whose selection criteria is similar to Phi Beta

Kappa)

- Dean's List every semester
- Special recognition for outstanding achievement at commencement ceremony in 1997
- President of Sigma Alpha Epsilon fraternity
 - Received fraternity's national award for most outstanding chapter president in the U.S., 1996.

PERSONAL INFORMATION

12. State your date of birth.

December 1, 1975.

13. How long have you lived continuously in the State of Tennessee?

39 years.

14. How long have you lived continuously in the county where you are now living?

39 years.

15. State the county in which you are registered to vote.

Shelby.

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

Not applicable.

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No.

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No.

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

None.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No.

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No.

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

No.

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

Shelby County Drug Court Foundation

- Board of Directors 2010 to 2016
- Secretary 2012 to 2016

Memphis and Shelby County Crime Stoppers

- Board of Directors 2010 to Present
- Head of Nominating Committee Jan 2012 to present: screens and considers qualifications of potential candidates for the Board
- Awards Committee 2010 to present: determines the amounts of rewards paid to tipsters
- Golf Tournament Committee 2016-17: secured sponsorships from local and national businesses for golf tournament fundraiser

“TnAchieves” Mentor 2014-15: Provided support and guidance to students at White Station High School on applying for Free Application for Federal Student Aid (“FAFSA”). “TnAchieves” is a partnering organization to the TN Promise Scholarship and provides last-dollar scholarships with mentor guidance.

REACH Memphis coach (“Law Scholars Program”) 2017-18: Provided support and guidance to Shelby County School students who have shown an interest in the legal profession. REACH Memphis is a 50-year old nonprofit that provides extra-curricular opportunities to excelling students in the Shelby County Schools. The “Law Scholars Program” is a pilot program that I spearheaded in my current capacity as President of the Memphis Bar Association. The students in the “Law Scholars Program” attend nine sessions this academic year. I coordinate the sessions, which means I secure speakers (local lawyers and judges) and host locations (law offices and courthouses). Each session covers an aspect of the legal profession, such as oral advocacy, negotiation, professionalism and etiquette, and legislation. I also attend each session and add to the discussions when helpful.

Shelby County Republican Party: 2004-present

- Contest and Credentials Committee 2016: Examines the credentials of delegates to the local convention and decides contested claims to represent groups of the membership
- Judicial Endorsement Subcommittee 2014
- Award for East Shelby Republican Club Member of the Year 2013
- Award for Young Republican of the Year 2007

- Delegate to Party Convention 2013, 2015, 2017

Playhouse on the Square fundraising committee for “The Great Wine Performance:”

2014, 2015: Sold tickets to annual event for Memphis’ largest community theater.

- Leading ticket seller 2014

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

a. If so, list such organizations and describe the basis of the membership limitation.

b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

No.

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

Memphis Bar Association: 2004 to present

- President 2017
- Vice-President 2016
- Secretary/Treasurer 2015
- Board of Directors Jan 2012 to present
- Strategic Planning Committee, Chair 2015: I chaired the committee that devised a three-year strategic plan for the Memphis Bar Association.
- Revisions committee, Chair 2016: I chaired the committee that proposed amendments to the MBA’s by-laws.
- Budget committee: In 2016, I served on the committee that planned the MBA budget for 2017.

- Professionalism Committee 2016, 2017: Aside from regular meetings, my responsibilities in this committee have mostly included presentations to peers about professionalism, both individually and on panels:
 - “Getting to Know the Memphis Bar Association” Memphis Bar Association “Bridging the Gap” CLE Seminar, November 15, 2016.
 - “Civility and Professionalism” Presentation to Prof. Daniel Schaffzin’s Externship class at the Cecil C. Humphreys School of Law, April 3, 2017.
 - “Best Strategies for Communication with Clients, Colleagues and the Courts” Memphis Bar Association CLE seminar on Ethics and Professionalism, July 27, 2017.
 - “White Collar Crime” Greater Memphis Paralegal Alliance annual CLE seminar, October 19, 2017.
- Wellness Committee 2016: Assisted in organizing the annual John Dice Wellness Seminar, which is a CLE seminar focusing on substance abuse, mental health, nutrition and fitness.
- Membership Committee 2017: Contacted hundreds of lawyers over several months to encourage them to join or renew their memberships.
- CLE committee 2017: Organized several CLE seminars by securing speakers and planning content (practices for litigators; understanding the criminal justice system’s new database; “crimmigration;” orders of protection; diversity in the workplace).
- Bench Bar Committee 2016-17: Collaborated with judges and other lawyers to plan the Bench Bar Conference, the MBA’s annual destination CLE and networking event; secured several speakers for seminars; solicited businesses for sponsorship.
- Sponsorship committee 2017: Solicited local businesses to advertise with the MBA and sponsor its events.
- Access to Justice Committee 2017: My major responsibility on this committee was spearheading a series of expungement clinics (see answer to Question # 9).
- Law Week Committee 2017: Coordinated activities to celebrate and honor the rule of law, including Trivia Night, Naturalization Ceremony, and the Annual Memorial Service (to honor local lawyers who passed away during the previous year).
- Sam A. Myar, Jr. Award Selection Committee 2016, 2017: For these two years, I served on the committee to select the recipient of the annual award that goes to a lawyer age 40 or younger who has rendered outstanding personal service to the legal profession and the community. This award, along with the “Lawyer’s Lawyer” award (see below) are the two highest honors within the MBA.

- Judge Jerome Turner “Lawyer’s Lawyer” Award Selection Committee 2017: Served on the committee to select the recipient. This annual award goes to a lawyer who has been practicing for more than 15 years and has exemplified the aims and aspirations embodied in the MBA’s *Guidelines for Professional Courtesy and Conduct*.
- Government Lawyers Section: 2010 to 2014
 - Co-founder 2010
 - Vice-Chair 2012
 - CLE chair 2013: Organized and promoted CLE seminars on topics related to practice in the public sector (judicial selection in Tennessee; Governmental Tort Liability Act; local criminal practice; impact of technology on prosecuting crimes against children).
- Publications Committee 2007 to present: This committee plans and writes content for *Memphis Lawyer* magazine, the publication of the Memphis Bar Association.
 - Co-Chair 2011, 2012
 - From 2007 to 2016, I wrote “The Court Report” column for every issue (approximately 60 issues). In each of these columns, I compiled and published information on every jury trial conducted in Criminal Court, including the style of case, division of court, dates of trial, indicted charges, complete verdict (or other outcome), and lawyers on both sides.
 - For each February and July issue from 2014 to the present, I have written the “Court Report” covering all criminal and civil trials in U.S. District Court.
 - As President of the Memphis Bar Association, I write the “President’s Column” for each issue this year. This column is similar to the piece written by editor-in-chief of a magazine and serves as platform for the President to express his views or promote initiatives:
 - President’s Column: Dean DeCandia, “This is Your Brain on the MBA” (Volume 34; Issue 1; p. 6-7).
 - President’s Column: Dean DeCandia, “The Bench Bar Conference: Plan Ahead” (Volume 34; Issue 2; p. 6).
 - President’s Column: Dean DeCandia, “Pro Bono Service: “No More Excuses!” (Volume 34; Issue 3; p. 6-7).
 - Other articles for *Memphis Lawyer* magazine:
 - Dean DeCandia, “Meeting the Dragon: My Introduction to Dragon Naturally Speaking Speech Recognition Software” (Volume 24; Issue 3; p.

20-21).

- Dean DeCandia, “Interview with Judge Lee V. Coffee, Division VII of Criminal Court” (Volume 25; Issue 3; p. 14-15).
- Dean DeCandia, “Q & A with Judge Skahan” (Volume 32; Issue 2; p. 10-12).
- Dean DeCandia, “Talking with Judge Lucchesi” (Volume 32; Issue 2; p. 16-17).

American Inns of Court, Leo Bearman, Sr. Chapter:

- Associate Member 2006-07
- Barrister Member 2011-13
- American Inns National Awards Committee 2006-07: reviewed and judged CLE programs submitted by American Inn Chapters from across the U.S.

Memphis Bar Foundation Board of Directors 2017: The MBF is the philanthropic arm of the Memphis Bar Association.

- Selection Committee for 2017 fellows

Merit Selection Panel to consider the reappointment of Hon. Charmiane G. Claxton 2017: Then Chief U.S. District Judge Daniel Breen appointed me to the committee that considered the reappointment of a U.S. magistrate judge to her second eight-year term.

Association of Women Attorneys: Member 2017

- Volunteer in AWA Peer-Mentor Program 2017: I currently serve as a mentor to a law student at the Cecil C. Humphreys School of Law

National Bar Association, Ben F. Jones Chapter: Member 2017

Young Lawyers Division of Memphis Bar Association: Member 2004 to 2010

26. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

Inducted as a Fellow into the Memphis Bar Foundation in 2015. Attorneys and judges are nominated to become Fellows in recognition of their distinguished service to the legal profession and adherence to the highest standards of professional ethics and conduct.

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

Not applicable, except for my answer to Question # 10.

ESSAYS/PERSONAL STATEMENTS

28. What are your reasons for seeking this position? (150 words or less)

I am seeking this position because *one of my greatest strengths as a prosecutor would be of even greater use as a Criminal Court Judge.*

One aspect of prosecution that has been most fulfilling to me is the gatekeeping function that the prosecutor must assume through much of the criminal process. Nearly everyone feels contempt for certain offenders. The prosecutor may be tempted to place the goal of conviction over the fairness of the process. It is for this reason that I discipline myself into *maintaining objectivity*. I bring an *open mind* to the initial review of the case, and I maintain this mindset as the case progresses through the system. I stay receptive to exculpatory facts that may arise, as well as to any constitutional violations that may have occurred. Rather than prosecute with only convictions in mind, I fulfill my duty to *protect the integrity of the system*.

I am confident that this objectivity will be even more valued on the bench. First, the judge's thoughts and actions are under a larger microscope. Thus, the judge has a *greater effect on public confidence and trust*. Second, because litigants settle many simple cases, the judge must make decisions on some of the most contested cases. Such intense factual and legal disputes require a well-conditioned sense of detachment, so as to avoid being swayed by emotional factors such as public outrage or sympathy.

My practice of objectivity over the years has prepared me well for a judgeship. I am eager to *apply this quality to higher level of public service*.

29. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. (150 words or less)

The judgeship I seek is for Criminal Court, Division X, in the 30th Judicial District of Tennessee. This district has the *highest number of criminal cases* in the state. Approximately 7,000 indictments are docketed per year. Those cases are divided among only ten divisions of criminal court.

The tremendous volume at 201 Poplar requires a judge with a *tireless work ethic and a commitment to judicial economy*. At the same time, however, a judge must remain tactful and courteous to lawyers who practice in his/her courtrooms. Crowded dockets likely indicate that lawyers too have crowded schedules. A judge must stay mindful of lawyers' needs for ample

time to resolve thorny issues while juggling many other cases.

As a prosecutor, I have built a **reputation** of trying and resolving cases in a **highly efficient** manner, whether by plea or trial. I have striven to be **thoroughly prepared** each day to discuss any case on the docket with counsel. I have taken a **proactive** approach in anticipating disputes ahead of time and offering immediate, reasonable suggestions for resolution. But never have I used aggressive tactics or unreasonable demands. Colleagues will attest to my patience in seeing cases to conclusion.

I will bring this combination of **efficiency and patience** to the bench in Division VI. For the last sixteen years, I have regarded **judicial economy** as a prime responsibility. At the same time, to expect the same attentiveness from others requires **tact and courtesy**. I consider anything less to compromise my reputation for cooperation and hinder communication.

I have spent thousands of hours in front of judges who consistently keep an orderly docket without badgering lawyers. These judges remind me on a daily basis that respect is earned. Once a judge shows that s/he is respectful of the lawyers' caseload, then the lawyers are, in turn, respectful of the court's caseload. This mutual respect has created a familial atmosphere at the Criminal Justice Center in Memphis. I will carry on this tradition for as long as I am fortunate enough to stay on the bench.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. (250 words or less)

I will **always uphold the law** even if I disagree with its substance. I will do so not only because of the oath, but also because I seek to **understand the underlying policies**.

As a prosecutor, there have been times when I wished the law were different. For example, when a probationer is arrested for a new criminal charge while on probation, his suspended sentence is subject to revocation. If a preliminary hearing has already been conducted on the new criminal charge, the criminal court that oversees his probation must have another evidentiary hearing for proof to be presented on the new arrest. This proof would be the same that was presented at the preliminary hearing, which means that the same witnesses must be subpoenaed to testify regarding the same facts. This repeated proof carries a doubled expense of witnesses' time and taxpayer funds.

I have seen judges bypass the violation of probation hearing because they consider it to have been already conducted at the preliminary hearing. However, as a Criminal Court Judge, I would never shortcut the process simply because it *seems* inefficient. I recognize that this procedure is in place to protect the rights of the defendant. The procedure allows the Criminal Court Judge to make his/her own determination as to whether such a ground for revocation has been proven. To simply adopt the finding of the preliminary hearing's judge would, in effect, place the power of revocation in the hands of a judge other than the one overseeing the probation. Of course, as a lawyer, I could follow such a rule simply because it is the law. However, as illustrated above, I

always *seek to understand the purpose behind the law* rather than blindly adhere to it. It is through such an understanding that I *gain respect* for the law, regardless of any disagreement I have with it. As a judge, I may share this understanding with disgruntled defendants and victims. When those who are most affected by the law feel as though it works against them, I will use my training and experience to shed light on the fairness behind any given statute or rule.

REFERENCES

31. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. Hon. James C. Beasley

B. Hon. Chris Craft

C. Hon. W. Mark Ward

D. Heidi Shafer

E. Katherine Knowles

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the

office of Judge of the Criminal Court of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: October 11, 2017.

Dean DeCandia

Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Dean DeCandia

Type or Print Name

Dean DeCandia

Signature

October 11, 2017

Date

TN 021447

BPR #

Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.

Not applicable.